

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD KEITH DEMBRY,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:19-cv-38-SPB-RAL
)	
WARDEN TRATE,)	
)	
Respondent.)	

MEMORANDUM ORDER

The petition for a writ of habeas corpus in this case was received by the Clerk of Court on February 15, 2019 and referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges. ECF No. 1. The petition was subsequently filed of record on February 21, 2019, together with a supporting brief, after the Petitioner paid the requisite filing fee. ECF Nos. 3, 4. Respondent filed his answer to the instant habeas petition on May 1, 2019, ECF No. 16, and Petitioner replied on May 13, 2019, ECF No. 18.

On March 25, 2021, Magistrate Judge Lanzillo issued an R&R recommending that the petition be dismissed for lack of jurisdiction. ECF No. 23. The Magistrate Judge opined that Petitioner had neither articulated a basis for relief under 28 U.S.C. §2241 nor shown that relief under §2255 would otherwise be ineffective or inadequate, as set forth in *In re Dorsainvil*, 119 F.3d 245 (3d Cir. 1997). Objections to the R&R were due on April 12, 2021. As of the date of this Order, no objections have been received.

After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16th day of April, 2021, IT IS ORDERED that the within petition for a writ of habeas corpus, ECF No. [3] shall be, and hereby is, DISMISSED for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on March 25, 2021, ECF No. [23], is hereby adopted as the opinion of this Court.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge

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Adam Fischer, AUSA (via CM/ECF)

The Honorable Richard A. Lanzillo (via CM/ECF)